

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**KALEY DIANN SILVA and
LINDSEY AVENETTI,**

Plaintiffs

v.

RITE AID CORPORATION,

Defendant

: CIVIL ACTION NO. 1:18-CV-2135

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: (Chief Judge Conner)

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ORDER

AND NOW, this 19th day of September, 2019, upon consideration of the motion (Doc. 50) for dismissal by defendant Rite Aid Corporation (“Rite Aid”), and the parties’ respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Rite Aid’s motion (Doc. 50) to dismiss is GRANTED in part and DENIED in part as follows:
 - a. Plaintiffs’ claims for intentional misrepresentation, breach of express warranty, breach of implied warranty, and breach of contract are DISMISSED.
 - b. Plaintiffs’ request for injunctive relief is DENIED.
 - c. Rite Aid’s motion (Doc. 50) is otherwise DENIED.
2. Plaintiffs are granted leave to file a third amended complaint consistent with the court’s accompanying memorandum within 21 days of the date of this order. In the absence of a timely-filed amended complaint, the above-captioned action shall proceed on the following claims:
 - a. Negligent misrepresentation
 - b. Unjust enrichment
 - c. Unfair Trade Practices and Consumer Protection Law

3. Rite Aid's deadline to respond to the amended complaint under Federal Rule of Civil Procedure 12(a)(4)(A) is DEFERRED for the duration of the 21-day amendment period set forth in paragraph 2 above.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania